

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The issues raised by respondent are ones subject to review in an appeal from a preliminary order. K.S.A. 44-534a.

Claimant did give notice sufficient to satisfy the requirements of K.S.A. 44-520. Claimant seeks treatment and temporary total disability benefits for what her current treating physician has indicated as "possible carpal tunnel syndrome." Claimant worked for respondent preparing garnishments, including work on a keyboard approximately seven hours per day. Claimant testified that she made complaints to her supervisor about her hands hurting and she told her supervisor "[when] she would be standing at my desk and I would make the comments that my hands were hurting or that my -- when I was typing, that my fingers were, you know, causing me severe pain." Although respondent disputes this testimony it is corroborated, at least in part, by the testimony of the co-worker. Given the fact that the Administrative Law Judge had the opportunity to observe these witnesses and chose to believe the claimant's testimony, the Appeals Board finds that evidence does establish claimant gave proper notice.

The Appeals Board finds the evidence establishes claimant did suffer accidental injuries and that those injuries arose out of and in the course of her employment.

Claimant testified that the symptoms now considered to be carpal tunnel syndrome occurred while engaged in repetitive activities in the course of her employment for respondent. The record contains no medical evidence to dispute or confirm the causal relationship between the repetitive work activities and the possible carpal tunnel syndrome. The record, in fact, contains other possible explanations for the symptoms. Specifically, claimant had carpal tunnel-like symptoms in 1990 during the course of her pregnancy. She was also involved in a motor vehicle accident in 1995 and suffered burns on her upper extremities from the airbag.

The Appeals Board, nevertheless, concludes that the repetitive activities are, from the evidence presented in this case, more probably than not the cause of the current symptoms. Claimant testified that after delivery of her child in January 1991, her carpal tunnel symptoms stopped. They did not return until 1992 and then continued until she left work in 1995. She testified she believed the symptoms would go away once she stopped her work activities. When they did not, she sought medical treatment. The evidence relating to the motor vehicle accident does not indicate it would have caused the carpal tunnel symptoms. The record leaves, as the most probable explanation, the work activities. The Appeals Board, therefore, affirms the award of benefits made in this case.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge John D. Clark dated February 7, 1996 should be, and the same is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of April 1996.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Michael L. Snider, Wichita, KS  
D. Steven Marsh, Wichita, KS  
John D. Clark, Administrative Law Judge  
Philip S. Harness, Director